

U.S. Patent Appln. No. 09/919,391
Amendment Dated June 20, 2005
Reply to Office Action of Feb. 18, 2005
Docket No. BOC9-2000-0084 (219)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated February 18, 2005 (Office Action). This response is filed after the 3-month shortened statutory period along with an appropriate fee.

As an initial matter, Applicants wish to thank the Examiner for a thorough review of the case and for providing clear comments detailing reasons why the claims stand rejected.

In paragraph 3, The Examiner rejected claim 19 for failing to comply with the written description requirement. Specifically, support for "automatically" deferring a call was not located. Applicants have amended claim 19 to remove the term automatically. Responsive to this amendment, Applicants respectfully request the 112 rejection to claim 19 be withdrawn.

In paragraph 5, the Examiner advised that claim 17 and claim 18 were substantial duplicates of one another. Applicants respectfully disagree. Claim 17 states that local information includes three data elements (time + 2 of 3 elements from the set consisting of date, day, and location). Claim 18 states that local information includes 4 elements (time, date, day, and location). Accordingly, these two claims are not duplicates of one another. (If claim 18 is infringed then claim 17 must be infringed, but claim 17 can be infringed without infringing claim 18). Because these claims are not substantially

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duplicates, Applicants respectfully reject the objection to claims 17 and 18 and request the objection to be withdrawn.

In paragraph 6, claims 16-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,818,920 to Rignell, *et al.* (Rignell). Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of U.S. Patent Number 6,574,486 to Labban (Labban). Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of U.S. Patent Number 5,818,920 to Moon (Moon).

Applicants have added new claim 20 to emphasize that the location information includes a location where the receiving handheld device is located, as supported by claim 16. No new matter has been added.

A. Rignell fails to explicitly or inherently teach each claimed limitation

Claims 16-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,818,920 to Rignell.

Rignell fails to teach that a date, day, and/or location of where a handheld device is located is presented to an originating call source. Applicants claim that at least one element of this grouping (claim 16) is included within the local information along with a time for the location where the handheld device is located. Claim 17 claims that at least

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two elements of the grouping is included within the local information. Claim 18 claims that all three of the elements from the grouping is included (so that time, date, day, and location are presented to the originating source).

Cited from Rignell for the claimed limitation are passages:

Column 5, lines 15-19; teaches information of the local time of the time zone of device C (*i.e.*, the time of the location where the called device is located) is conveyed to the originating call source. Does not teach other information (location, date, and/or day) is provided to the originating source.

Column 4, lines 40-64; teaches how a PSTN can acquire local time information when a call is forwarded (based upon HLR and the time zone where the mobile device C is located). The information about local time is forwarded to the first subscriber (column 4, lines 60-64). Fails to teach or imply that additional information (location, date, and/or day), as well as the local time, is provided to the originating call source.

Column 2, lines 28-31; Does not teach other information (location, date, and/or day) is provided to the originating source.

Column 6, lines 64-67; Does not teach other information (location, date, and/or day) is provided to the originating source. Instead, teaches a PLMN can span a wide geographical area including multiple time zones.

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FIG 1-4; Teaches a PLMN can span multiple time zones. Does not teach other information is provided to the originating source.

Accordingly, Rignell fails to explicitly or inherently teach each claimed limitation. Specifically, Rignell fails to teach the limitation of providing (claim 16) at least one of date, day, and location along with time to an originating source. For this reason, the 35 U.S.C. § 102(b) rejections to claims 16-18 should be withdrawn, which action is respectfully requested.

B. Combinations of Rignell and Labban as well as Rignell and Moon fail to explicitly or implicitly teach each claimed limitation

Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of Labban. Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of Moon.

As noted above, Rignell fails to explicitly or inherently teach that an originating source is to be provided at least one of date, day, and location along with time. In claim 1, Applicants explicitly claim that a location where the receiving handheld device is located is provided to an originating source.

The purpose of Rignell is to convey a time local to a called party to a calling party, so that the calling party can decide whether or not it is appropriate to continue the call.

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This prevents the called party, who may be in a time-zone different from the calling party, from being disturbed at inconvenient hours (such as at night), as noted at column 1, lines 42-44. No other information is needed to satisfy the goals of Rignell, nor does Rignell teach the presentation of additional information.

Specifically, Rignell fails to teach that location information of an originating source is to be provided to the originating source. As already mentioned, providing a location to an originating source will not further the expressed purpose of Rignell.

Further, Applicants are not aware of any conventional teachings available at the time the present invention was conceived and filed where an originating source is provided with location information of the location of a called number. Unlike land based telephony devices that have a phone number associated with a fixed location, which is either known by a caller or can be determined by a reverse directory search, callers are not able to determine a current location for a called mobile device. Additionally, the call originating source, unlike the call recipient that can be provided with caller ID information to determine information about the caller, is not conventionally provided with any information concerning the location of the called party.

This can be important information for the originating source and can cause the originating source to decide NOT to call a recipient of a handheld device. For instance, a husband's wife may determine not to call her husband via a mobile telephone, when the

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husband is at a work location or when the mobile phone is located within a city in which a husband works. Similarly, a worker's boss/secretary may determine not to call the worker when the worker is having a business meeting in a particular city, which is determined by the location of the recipient's handheld device, but may want to call the worker when the worker is traveling towards the city where the meeting is to occur (in transit and not located in the destination city).

Additionally, an originating source can use this claimed feature as a locating beacon, and can locate a person carrying a handheld device without actually calling that person. This can be used as a cost savings measure for the call recipient (not incurring mobile phone charges). This can also be advantageous to a call originating source that desires a location of a handheld device carrier while also desiring not to place the handheld device carrier on notice that he/she is being tracked.

Further still, the providing of location information can be particularly useful in situations where non-voice messages are being conveyed. Applicants note that most non-voice messages do not require immediate attention; therefore, the purpose of Rignell (receiving local time information to prevent inappropriate call timing) is not applicable to the claimed invention (claims 1-15). Location information being conveyed to the originating source, however, can be advantageous to a text message sender.

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For example, a text message sender being notified of the location of the recipient may wish to change the content of the message to be sent. To illustrate, a friend could be sending an email message asking the recipient if they wanted to go to lunch, such a text message would be irrelevant if the recipient was in a remote location, such as away on a trip. It should be noted that a recipient can be in a location considered remote even though the recipient may be in the same time zone as the originating source. In such a situation, the time local to the recipient would not provide originating source with any indication that the recipient was not local.

Labban fails to cure the deficiencies of Rignell. Labban teaches a method and apparatus for a user of a mobile device to select among available calling options. Labban fails to teach that an originating source is to be provided with a location where the handheld device is located. Because neither Rignell, Labban, nor combinations thereof explicitly or implicitly teach the claimed limitation of providing an originating source with location information of a receiving device, the rejections to claims 1-15 should be withdrawn, which action is respectfully requested.

Moon fails to cure the deficiencies of Rignell. Specifically, Moon fails to teach that an originating source is to be provided with one or more of a location, a date, or a day where the receiving device is located. Because neither Rignell, Moon, nor combinations thereof explicitly or implicitly teach the claimed limitation of providing an

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originating source with location information of a receiving device, the rejections to claim 19 should be withdrawn, which action is respectfully requested.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577
Brian K. Buchheit, Registration No. 52,667
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000